

let's come out, vote on it. You can have your say. The record will be established. But to block the amendment from coming up that then blocks this important bill—which most of us will support—from going forward, that does not make sense.

So I appreciate the Senator's exacerbation.

Mr. President, I yield to my friend, the ranking member of the committee.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I, too, want to commend the Senator from Mississippi for putting forth a commonsense solution to the impasse in which we find ourselves. The Senator from Connecticut and I have been on the floor all day long. We have worked with our colleagues. We have come up with a group of amendments which we believe could be cleared by unanimous consent because they are not controversial. Yet can we clear that package? No. We cannot because even though there is no objection to the specific amendments in that package, they are being held up by Senators who want other amendments or are trying to ensure or block votes on other proposals.

We also came up with a set of amendments tonight—two Democratic amendments, two Republican amendments—that warrant rollcall votes. Two on each side, what could be fairer? Yet we cannot get rollcall votes.

If Members are opposed to amendments, come to the floor, debate them, and vote no, but do not prevent us from moving forward on a very important bill.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from Maine and the Senator from Connecticut for their work. I admire them both so much.

Can I inquire, Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is Sununu amendment No. 291 to the substitute to S. 4.

Mr. LOTT. Parliamentary inquiry, Mr. President: Would a motion to move the previous question be a proper way to proceed?

The PRESIDING OFFICER. There is no such motion in the Senate.

Mr. LOTT. Would a motion to table be in order, Mr. President?

The PRESIDING OFFICER. A motion to table is in order.

Mr. LOTT. It is not my prerogative, but I am threatening it.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LIEBERMAN. Mr. President, I have a unanimous consent request to offer, unfortunately not as large as I had hoped, but it may bring the Senators here to the floor and we could reason and go beyond this matter.

I ask unanimous consent that the Senate proceed to executive session to consider the nominations, Nos. 27 and 28; that the Senate immediately vote on the first nomination to be immediately followed by a vote on the second nomination; and that the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session; and that there be 2 minutes for debate between the votes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### EXECUTIVE SESSION

##### NOMINATION OF JOHN ALFRED JARVEY TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA

Mr. LEAHY. Mr. President, who is the first nominee?

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read the nomination of John Alfred Jarvey, of Iowa, to be United States District Judge for the Southern District of Iowa.

Mr. LEAHY. Mr. President, today we consider the nomination of John A. Jarvey, who has been nominated for a seat on the U.S. District Court for the Southern District of Iowa. In his 18 years as a U.S. Magistrate Judge in the Northern District of Iowa, Judge Jarvey has built upon his reputation as is a well-respected attorney and former federal prosecutor and earned the bipartisan support of both home State Senators. I know Senator GRASSLEY, who has been a strong advocate for Judge Jarvey on the committee, will welcome his confirmation.

A native of Minneapolis, MN, Judge Jarvey received his B.S. in accounting from the University of Akron in 1978 and his J.D. from Drake University in 1981 before clerking for Judge Donald E. O'Brien in the Northern District of Iowa. After his clerkship, Judge Jarvey began his career as a trial attorney in the criminal division of the Justice Department from 1983 to 1987, working in the narcotic and dangerous drug Section before his appointment as a magistrate judge for the Northern District of Iowa in 1987. He is now the chief magistrate judge of that district. Since 1993, Judge Jarvey has also been trial advocacy instructor at Iowa Law School since 1993.

With his confirmation today, the Senate will have confirmed nine judicial nominations for lifetime appointments this year. That is more than half the total of confirmations for the entire 1996 session and we are still in February of this year. Of course, it was the Republican Senate majority that refused to proceed with qualified nominees and slowed consideration of President Clinton's nominations.

Indeed, one of the casualties of their pocket filibusters was an outstanding nominee from Iowa. Bonnie Campbell had served as attorney general for the State of Iowa and as the head of the Violence Against Women Office at the Department of Justice. Despite her qualifications and without any explanation, the Republican leadership in the Senate stalled her nomination for many months and then killed it. Hers was one of the more than 60 judicial nominations of President Clinton that Republicans pocket filibustered.

President Bush's nominations from Iowa have fared better in a Democratic-controlled Senate than President Clinton's did under Republican control. Judge Jarvey will be the third Iowa District Court judge confirmed while I have been chairman of the Judicial Committee. We also confirmed an 8th Circuit nominee from Iowa, Michael Melloy, when I was last Chairman.

I have long urged the President to fill vacancies with consensus nominees. After Judge Jarvey's confirmation, according to the Administrative Office of the U.S. Courts there will still be some 51 judicial vacancies, 25 of which have been deemed to be judicial emergencies. The President has sent the Senate nominations for only 22 of those seats, and has yet to send us nominees for 17 of the judicial emergency vacancies. That means two-thirds of the judicial emergency vacancies are without a nominee from this President.

I congratulate Judge Jarvey, his wife, and his three children on his confirmation today.

Mr. GRASSLEY. Mr. President, I urge my colleagues to support Judge John Jarvey, who has been nominated to serve as a U.S. district judge for the Southern District of Iowa. The Judiciary Committee unanimously approved Judge Jarvey some time ago, and I am glad that now we are moving expeditiously on his nomination.

I would like to give my colleagues a little background on this stellar nominee. Judge Jarvey comes from Cedar Rapids, IA. Since 1987, he has been the chief U.S. magistrate judge for the U.S. district court, Northern District of Iowa. He also has been a trial advocacy instructor at the University of Iowa Law School since 1993.

I received many letters from the Iowa legal community praising Judge Jarvey's judicial temperament, courteousness to litigants, and respect for and commitment to our judicial system. He has been praised for his judicial ethics and abilities as an administrator. Many letters commented on

Judge Jarvey's intelligence, command of the law and rules of evidence, and his fairness.

Judge Jarvey has been given a unanimous rating of "well qualified" by the ABA. I am confident that this man possesses the skill, integrity, commitment, intellect, and temperament that we expect of all good judges. So I urge my colleagues to vote in support of Judge Jarvey's nomination.

Mr. LEAHY. Mr. President, I know the nominee has been voted on unanimously by the Judiciary Committee and has the support of both Senators from Iowa. I support the nominee. I ask for the yeas and nays on that nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is: Will the Senate advise and consent to the nomination of John Alfred Jarvey, of Iowa, to be U.S. District Judge for the Southern District of Iowa?

The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 67 Ex.]

#### YEAS—95

Akaka	Dorgan	Mikulski
Alexander	Durbin	Murkowski
Allard	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Obama
Biden	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Coburn	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Coleman	Leahy	Tester
Collins	Levin	Thomas
Conrad	Lieberman	Thune
Corker	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	Webb
DeMint	McCaskill	Whitehouse
Dole	McConnell	Wyden
Domenici	Menendez	

#### NOT VOTING—5

Cardin	Inhofe	MCCAIN
Dodd	Johnson	

The nomination was confirmed.

Mr. LEAHY. Mr. President, I understand we have a second nomination now.

#### NOMINATION OF SARA ELIZABETH LIOI TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

Mr. LEAHY. Mr. President, today we consider the nomination of Sara Elizabeth Lioi for a lifetime appointment to a seat on the Northern District of Ohio. Hers will be the tenth judicial nomination for a lifetime appointment to the Federal courts that the Senate has already considered this year.

Judge Lioi has spent nearly 10 years on the Stark County Court of Common Pleas. I am sure Senator VOINOVICH, who appointed her to the bench when he was Governor of Ohio, will welcome her confirmation. I thank Senator BROWN for expediting his consideration of this nomination. This process works best when the White House consults with Senators from both sides of the aisle.

Judge Lioi received her B.A. from Bowling Green State University in 1983, where she graduated summa cum laude, and her J.D. from Ohio State University College of Law in 1987. She worked in private practice with Day, Ketterer, Raley, Wright & Rybolt Ltd. in Canton, OH, upon graduation from law school. Her practice included appellate and trial litigation and service as special counsel to Stark State College of Technology. She was elected a principal of her law firm in 1993 and stayed there until Governor Voinovich appointed her to the bench in 1997. Judge Lioi has been active in the judicial and legal community, serving on a statewide Board of Commissioners on Character and Fitness, the Supreme Court's Board of Commissioners on Grievances and Discipline, and the Supreme Court of Ohio Task Force on Rules of Professional Conduct.

With Judge Lioi's confirmation, we will have confirmed all the district court nominees left pending on the Senate's Executive Calendar at the end of the last Congress when Republican holds prevented us from confirming them all. We have worked hard to expedite these nominations through the committee and the Senate this year. I thank particularly the new Members for allowing us to proceed so quickly and congratulate Judge Lioi and her family on her confirmation today.

We have now proceeded with 10 confirmations even though the President did not renominate Judge Janet Neff for one of the many emergency vacancies that plague the Western District of Michigan. Last year the Senators from Michigan had worked with the White House and the President had proceeded

to nominate her. The Democratic members of the committee cooperated to expedite her consideration along with others. Last September 16, we held a confirmation hearing for her and other nominees on an expedited basis and the committee sent them to the Senate without a single objection on September 29.

Regrettably, rather than meet to work out a process to conclude the consideration of judicial nominations last session, the Republican leadership of the Senate stalled these nominations and, in particular, the President's nomination of Judge Janet Neff. After the Senate session in October, I learned that several Republicans were objecting to Senate votes on some of President Bush's judicial nominees. According to press accounts, Senator BROWNBACK had placed a hold on Judge Neff's nomination, even though he raised no objection to her nomination when she was unanimously reported out of Judiciary Committee. He later sent questions to Judge Neff about her attendance at a commitment ceremony held by some family friends several years ago in Massachusetts. Senator BROWNBACK spoke of these matters and his concerns on one of the Sunday morning talk shows.

Could it really be that Judge Neff's attendance at a commitment ceremony of a family friend failed some Republican litmus test of ideological purity, that her lifetime of achievement and qualifications were to be ignored, and that her nomination was to be pocket filibustered by Republicans?

I do not know why the President has not chosen to renominate Judge Neff. The situation in the Western District of Michigan is quite dire. Judge Robert Holmes Bell, Chief Judge of the Western District, wrote to me and to others about the situation in that district, where several judges on senior status—one over 90 years old—continue to carry heavy caseloads. Judge Bell is the only active judge. Senator BROWNBACK, who raised concern about the burdens falling on senior judges in his home State, should be sensitive to the dire situation in the Western District of Michigan exacerbated by his hold.

I have long urged the President to fill vacancies with consensus nominees, particularly for those determined to be judicial emergencies. According to the Administrative Office of the U.S. Courts, after Judge Lioi's confirmation, there will remain 50 judicial vacancies, 25 of which—more than half—have been deemed to be judicial emergency vacancies. Of those 25 judicial emergency vacancies, the President has yet to send us nominees for 17 of them. That means two-thirds of the judicial emergency vacancies are without a nominee from the President. That includes the judicial emergency vacancy that Judge Neff should have filled months ago but for another Republican pocket filibuster.